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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,523	07/18/2003	James Douglas Azzar	A8608	1170

23373 7590 04/26/2005  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER
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HEITBRINK, TIMOTHY W

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/621,523

Applicant(s)

AZZAR, JAMES DOUGLAS

Examiner

Tim Heitbrink

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1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) 13-16 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 and 17-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7-22-03.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12, 17-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear if the fill hole is part of the apparatus. The Examiner suggests changing "hole" on line 5 to --plate positioned underneath said receiving means, said fill plate providing a fill hole to direct said flowable material to a mold-- while changing on line 6, "a" to --said--.

In claim 17, an "system" is claimed. The Examiner will assume the inventor is claiming an apparatus. See MPEP 2173.05(o). As a result, "system" (line 1) should be changed to --apparatus-- and "flowable material" (line 2) deleted since the material forms no part of the apparatus. On line 5, it is unclear if the fill hole is part of the apparatus. The Examiner suggests changing "hole" on line 5 to --plate positioned underneath said receiving means, said fill plate providing a fill hole to direct said flowable material to a mold-- while changing on line 6, "a" to --said--.

In claim 18, the word "inside" is incorrect since the material moves through the housing. The Examiner suggests changing "inside" to --through--. On lines 1 and 2, the phrase "to urge" is a method limitation. The Examiner suggests changing "to urge" to --, said rotor housing capable of urging said--. On line 10, the "fill hole" lacks proper antecedent basis. The Examiner suggests changing on line 2, the phrase "mold in a

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portioning machine" to --fill plate having a fill hole, said fill hole directing the flowable material into a mold--.

In claim 20, the phrases "a first plurality of means... including a first means" (line 6) and "a second plurality of means...including a second means" (line 10) are indefinite since the Examiner is unclear what the inventor is claiming cavities having a cavity portioning something, vanes having a vane portioning something, what?

In claim 21, the phrases "first plurality of means...including a third means" and "the second means...including a fourth means" for reasons given supra.

The Examiner suggests rewriting claims 20-23 in plain understandable English giving as much detail as possible since it is unclear if the embodiment of Figs. 5 is being claimed.

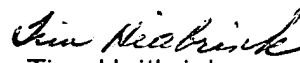
Claims 1-12, 17-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 1-12, 17-23 define over the prior art since the prior art fails to disclose or suggest a reciprocable mold in association with first and second removal means as set forth in claims 1-12, 17,20-23 (the Examiner assumes that is being claimed in claims 20-23) as well as a rotor fill plate combination set forth in claims 18 and 19.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 571-272-1132. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Utech can be reached on 571-272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tim Heitbrink  
Primary Examiner  
Art Unit 1722  
4-22-05

twh